

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

STIPULATED ORDER REGARDING ASSERTED CLAIMS

The parties hereby stipulate and agree, subject to the approval and order of the Court, as follows:

1. In order to streamline the upcoming trial, Callaway Golf has agreed to reduce the number of asserted claims that it will present to claim 1 of U.S. Patent No. 6,210,293 (“the ‘293 patent”); claim 1 of U.S. Patent No. 6,503,156 (“the ‘156 patent”); claim 5 of U.S. Patent No. 6,506,130 (“the ‘130 patent”); and claim 3 of U.S. Patent No. 6,595,873 (“the ‘873 patent”).

2. In exchange, Acushnet has agreed that the determination in this matter of the validity of the claims identified in paragraph 1 shall apply to the validity of each of the other claims for which Acushnet has stipulated to infringement (i.e., for the ‘293 patent, the validity determination in this matter for claim 1 also applies to the validity of claims 4 and 5; for the ‘156 patent, the validity determination in this matter for claim 1 also applies to the validity of claims 2 and 3; and for the ‘873 patent, the validity determination in this matter for claim 3 also applies to the validity of claim 1).

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Attorneys for Defendant  
ACUSHNET COMPANY

SO ORDERED this \_\_\_\_, day of March, 2010.

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United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2010, I electronically filed with the Clerk of Court STIPULATED ORDER REGARDING ASSERTED CLAIMS using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel. In addition, the filing will also be sent via electronic mail:

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